

COLIN M. RUBICH
Assistant U.S. Attorney
U.S. Attorney's Office
James F. Battin U.S. Courthouse
2601 Second Ave. North, Suite 3200
Billings, MT 59101
Phone: (406) 657-6101
FAX: (406) 657-6989
E-Mail: Colin.Rubich@usdoj.gov

ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

| | |
|---|--|
| UNITED STATES OF AMERICA, Plaintiff, vs. APRIL DRAKE GREER, Defendant. | CR 18-99-BLG-SPW OFFER OF PROOF |
|---|--|

The United States of America, represented by Assistant United States Attorney Colin M. Rubich, files its offer of proof in anticipation of the change of plea hearing set in this case on August 7, 2018.

THE CHARGE

The defendant, April Drake Greer, is charged by information with four counts of wire fraud, in violation of 18 U.S.C. § 1343.

PLEA AGREEMENT

There is no plea agreement in this case. Greer will plead guilty to the information without benefit of a written plea agreement. In the government's view, this represents the only and most favorable resolution for the defendant. *See Missouri v. Frye*, 566 U.S. 134 (2012).

ELEMENTS OF THE CHARGE

In order for Greer to be found guilty of the charges contained in the information, Wire Fraud, in violation of 18 U.S.C. § 1343, the United States must prove each of the following elements beyond a reasonable doubt:

First, the defendant knowingly devised a scheme or plan to defraud, or a scheme or plan for obtaining money or property by means of false or fraudulent pretenses, representations, or promises;

Second, the statements made or facts omitted as part of the scheme were material; that is, they had a natural tendency to influence, or were capable of influencing, a person to part with money or property;

Third, the defendant acted with the intent to defraud, that is, the intent to deceive or cheat; and

Fourth, the defendant used, or caused to be used, an interstate wire communication to carry out or attempt to carry out an essential part of the scheme.

PENALTY

Each charge contained in the information carries a maximum penalty of twenty years imprisonment, a \$250,000 fine, three years of supervised release, and a \$100 special assessment.

ANTICIPATED EVIDENCE

If this case were tried in United States District Court, the United States would prove the following:

Beginning in or about 2010, and continuing thereafter until on or about June 7, 2017, April Greer was employed as the director of human resources and controller for Wildfire Defense Systems, Inc., a company owned and operated in Red Lodge. In this capacity, Greer was responsible for accounts receivable, accounts payable, bill payment, human resources management, and reconciliation of bank statements. As part of her duties, Greer regularly utilized the software program QuickBooks. Wildfire Defense Systems, Inc. used QuickBooks for many of their accounting and payroll functions. Among other features, the QuickBooks software was able to access a bank account belonging Wildfire Defense Systems, Inc. and transfer money to another account via an ACH electronic wire. Used legitimately, this function enabled Greer and other

responsible employees to pay employees and other subcontractors for their services.

As part of the scheme, Greer regularly used the QuickBooks Program to transfer money from the Wildfire Defense Systems, Inc. account to her personal checking account without authorization. To conceal the missing money Greer withdrew from her employer's account, Greer improperly altered bank statements when necessary. Greer also fraudulently coded the payments within QuickBooks to make it appear that the payments were related to business expenses.

Greer initiated two interstate wires on January 27, 2017 to carry out part of this scheme. The first on this date occurred between JP Morgan Chase Bank in New York, NY and First Interstate Bank in Montana and represented the transfer of \$9,312.35 to First Interstate Bank account number XX-XXXX-2362. The second on this date occurred between JP Morgan Chase Bank in New York, NY and First Interstate Bank in Montana and represented the transfer of \$9,961.95 to First Interstate Bank account number XX-XXXX-2362.

Greer initiated two more interstate wires on February 14, 2017 to carry out part of this scheme. The first on this date occurred between JP Morgan Chase Bank in New York, NY and First Interstate Bank in Montana and represented the transfer of \$9,710.62 to First Interstate Bank account number XX-XXXX-2362.

The second on this date occurred between JP Morgan Chase Bank in New York, NY and First Interstate Bank in Montana and represented the transfer of \$8,680.95 to First Interstate Bank account number XX-XXXX-2362.

The above information is supported by documentary evidence and witness interviews. On June 22, 2017, Greer voluntarily agreed to an interview with investigators. This interview was recorded and her attorney was present. During the interview, the defendant largely admitted to the facts outline above. Over the course of approximately seven years, Greer stole approximately \$1,432,372.00 in embezzled funds from Wildfire Defense Systems, Inc..

DATED this 2nd day of August, 2018.

KURT G. ALME
United States Attorney

/s/ Colin M. Rubich
COLIN M. RUBICH
Assistant U.S. Attorney